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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION**

TAYLOR SELF, an individual,

Case No. 3:20-cv-00584

PLAINTIFF,

COMPLAINT

v.

JURY TRIAL REQUESTED

COLUMBIA COUNTY, an Oregon
municipality, and **CAROLYN
TOWNSEND**,

DEFENDANTS.

Plaintiff Taylor Self alleges as follows:

JURISDICTION AND VENUE

1.

This Court has subject matter jurisdiction under 42 U.S.C. § 1983, and 28 U.S.C. §§ 1331, 1343 and 1367. Venue in this judicial district is proper pursuant to 28 U.S.C. § 1391.

FACTS

2.

In June 2019, Plaintiff was homeless. While looking for somewhere outside to sleep, Plaintiff was assaulted by an unknown individual. The assault left Plaintiff with a broken jaw. Plaintiff later received surgery on his broken jaw at Legacy Emanuel Hospital. After the surgery, Plaintiff had many surgical wires throughout his jaw to aid in the healing process.

3.

In September 2019, Plaintiff was an inmate housed within the Columbia County Jail. Due to the wires in his jaw, and the fact that his jaw was still healing, Plaintiff was placed on medical isolation by a physician. This required that he have no physical contact with other inmates inside the jail.

4.

On September 6, 2019, Sergeant Carolyn Townsend (Sergeant Townsend) ordered Plaintiff to cell in with another inmate, Kelsey Kalama (Kalama).

5.

Sergeant Townsend and fellow jail staff were aware of Kalama's violent and aggressive character.

6.

Plaintiff answered Sergeant Townsend "We have animosity." Plaintiff also said that he was on medical isolation.

7.

Sergeant Townsend disregarded Plaintiff's concerns by saying "Oh it will be fine," and explained that Plaintiff and Kalama needed to share a cell in order to make room for other inmates.

8.

Once ordered to move into a cell together, Plaintiff waited in the general pod area while Kalama began to move his things into Plaintiff's cell on the upper level. Kalama believed that Plaintiff's cell was untidy, and asked that Plaintiff clean the cell. Plaintiff answered that the cell was as he preferred it, and if Kalama did not like it, Kalama could bunk somewhere else.

9.

In response, at approximately 4:45pm, Kalama walked quickly down the stairs and punched Plaintiff in the jaw. Plaintiff was knocked to the floor. Plaintiff then got to his feet, but did not fight back.

10.

Plaintiff informed jail staff that his jaw was in immense pain, and he believed it might be broken again. Jail staff told Plaintiff that he could be seen by medical.

11.

After several hours of being in unmitigated pain in his cell, a nurse came to Plaintiff's cell to examine him at approximately 8:00pm. The nurse said she did not have much time, but she believed that his jaw was broken again, and that the jail lacked the resources to treat him.

12.

Plaintiff was scheduled to be released from jail on September 14, 2019. However, at approximately 10:30pm on September 6, 2019, Defendant Columbia County released Plaintiff from the jail.

13.

Defendant Columbia County released Plaintiff at 10:30pm despite its direct knowledge that Plaintiff 1) was homeless; 2) had no reliable means of transportation; 3) was in immense pain due to a recently re-broken jaw; 4) was severely injured *because* of Defendants' actions while in Defendants' custody; and 5) there were no medical emergency rooms capable of treating Plaintiff within 30 miles.

FIRST CLAIM

(For Violation of Plaintiff's Eighth and Fourteenth Amendment Rights Protected by 42 U.S.C. §1983 Against All Defendants)

14.

Plaintiff realleges and incorporates paragraphs 1-13.

15.

Section 1983, a part of the Civil Rights Act of 1871, prohibits any person acting under color of state law to deprive any United States citizen of the rights, privileges and immunities secured by the Constitution of the United States. Among the rights protected by this section is the right under the Eighth and Fourteenth Amendments of the Constitution to be free from the infliction of cruel and unusual punishments.

16.

Defendants acted under the color of state law in engaging in the activities described above to deprive Plaintiff, a citizen of the United States, of the rights secured to him by the

Eighth and Fourteenth Amendments to the Constitution to be free from the infliction of cruel and unusual punishments.

17.

As an inmate under the control and protection of Defendants, Plaintiff had the right to not be ordered into dangerous circumstances, against physician orders, when serious injury was foreseeable.

18.

As an inmate under the control and protection of Defendants, Plaintiff had the right to be offered basic medical assistance and/or a medical transport once he had been injured as a proximate cause of Defendants' deliberate indifference.

19.

Defendants violated Plaintiff's Eighth and Fourteenth Amendment rights when they caused him to suffer a broken jaw in the background of a recent jaw surgery, and then failed to aid or assist him in obtaining basic medical care.

20.

WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

SECOND CLAIM
(Intentional / Reckless Infliction of Severe Emotional Distress Against All Defendants)

21.

Plaintiff realleges and incorporates paragraphs 1-20.

22.

The conduct of Defendants was extreme and outrageous and beyond the scope of conduct that should be tolerated by citizens in a democratic and civilized society. Defendants deliberately disobeyed physician orders and caused Plaintiff's jaw to be broken, and then

dumped him on the street late at night as he was in incredible pain, with no means provided where he could promptly obtain medical assistance.

23.

Defendants committed these extreme and outrageous acts with the intent to inflict severe mental and emotional distress upon Plaintiff.

24.

As a proximate result of Defendants' willful, intentional, and malicious conduct, Plaintiff suffered severe and extreme mental and emotional distress. Therefore, Plaintiff is entitled to an award of punitive damages.

25.

WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

THIRD CLAIM
(Negligence)

26.

Plaintiff realleges and incorporates by reference paragraphs 1-20.

27.

At all times herein mentioned, Defendants were subject to a duty of care to avoid causing unnecessary physical harm and distress to persons in their custody. The wrongful conduct of Defendants did not comply with the standard of care to be exercised by reasonable persons, proximately causing Plaintiff to suffer injuries and damages as set forth herein.

28.

As a proximate result of Defendants' negligent conduct, Plaintiff suffered severe physical injury, and severe emotional and mental distress.

29.

WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

JURY DEMAND

30.

Plaintiff hereby demands a jury trial in this action.

WHEREFORE, Plaintiff prays for relief as follows:

- a) For general damages in a sum of \$3,000,000.00
- b) For special damages in a sum according to proof;
- c) For punitive damages in a sum according to proof;
- d) For reasonable attorney's fees pursuant to 42 U.S.C. § 1988;
- e) For the costs of suit herein incurred; and
- f) For any other such relief the Court deems just and proper.

DATED this 9th day of April, 2020.

By s/ Jacob Johnstun _____
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